

Gujarat Judiciary - Mains 2015

16 questions. Source: lawmock.com - free previous-year papers & mock tests.

Paper I

Q1. Write short notes on any two of the following : - Suit by indigent person - Rejection of plaint. - Cases in which temporary injunction may be granted. - Amendment of pleadings.

Q2. Write short notes on any two of the following : - Sale and agreement to sell. - Principle of "Buyer Beware". - Definition of Mortgage. - List any three kinds of mortgages and explain any one of them.

Q3. Define partnership and discuss requirements of valid partnership. OR Write short notes on the following. - Dissolution of partnership by Court.

Q4. (A) Write a short note on bar of limitation as per the Limitation Act, 1960, OR Explain briefly effect of acknowledgement in writing on period of limitation for § filing a suit or an application. (B) Which are the kinds of documents of which registration is compulsory? OR Effect of non-registration of documents required to be registered.

Q5. Write short notes on any two of the following : - Suspension of the Sarpanch or Up-Sarpanch under the Gujarat Panchayats Act, 1993. - Motion of no confidence under the Gujarat Panchayats Act, 1993 against: the President or Vice-President of the Panchayat. - Appeals against valuation and taxes on properties under Bombay Provincial Municipal Corporations Act, 1949, - Power of Magistrate under Registration of Births & Deaths Act 1969 to direct -registration of a birth or a death.

Q6. Which are the different modes of settlement of disputes outside the Court enlisted in Section 89 of the Code of Civil Procedure? What is the duty of the Court to explore possibility of settlement through such modes? OR Write a note on organisation of Lok Adalats and the powers of the Lok Adalze:s under the Legal Services Authorities Act, 1987. OR State and explain any two offences punishable under the Information Technology Act, 2000 and state the punishments prescribed for such offences.

Q7. Attempt any two of the following : - Write a short note on power of the court to release certain offenders on probation for' good conduct under The Probation of Offenders Act, 1958. - Explain the term 'domestic violence' as defined in the Protection of Women from Domestic Violence Act, 2005. - Explain the term 'prostitution' as defined in the Immoral Traffic (Prevention) Act, 1956. - Write short note on prohibition of determination of sex of a foetus vfr!h reference to law governing the subject.

Q8. State whether following statements are True or False : - Under Section 125 of the Code of Criminal Procedure, wife is not entitled to receive maintenance if she refuses to live with her husband without sufficient reasons. - If a complaint is made to a Magistrate who is not competent to take cognizance of the offence, he must dismiss such a complaint. - Offence of culpable homicide not amounting 1o murder is punishable under Section 303 of IPC. - Section 326 of IPC prescribes punishment causing for Hurt by dangerous weapons Or means. - Offence punishable under Section 304-A of IPC is a compoundable offence. - Under the Juvenile Justice (Care & Protection of Children) Act, 2000, a juvenile means a person who has not completed sixteen years of age. - Under the Protection of Women from Domestic Violence Act, the Magistrate has power to pass interim as well as ex-parte orders. - If her husband is present and has given his consent, it is not necessary to obtain the consent of a pregnant woman before conducting pre-natal diagnostic procedures on her. - A court when directing release of an offender on probation under The Probation: of Offenders Act, 1958 also has the power to direct him to pay compensation for loss or injury caused to any person by commission of the offence. - Offence punishable under Section 325 of IPC is cognizable and non-bailable.

Q9. Answer any two of the following : - How is the term 'Gaming' defined in The Bombay Prevention of Gambling Act, 1887 ? - Are the offences under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 cognizable? Which courts are competent to try such offences? - Write short note on duty of probation officers under the Probation of Offenders Act, 1958. - How does the Wildlife (Protection) Act, 1972 control hunting of wild animals? What are the penalties prescribed under the said Act for breach of such provisions. - Definition of 'Gaming' in The Bombay Prevention of Gambling Act, 1887 - The term 'Gaming' under The Bombay Prevention of Gambling Act, 1887, is broadly defined to include wagering or betting, except wagering or betting upon a horse-race when such wagering or betting takes place in a race-course within which the race is being run. Gaming encompasses all forms of gambling activities where the element of chance predominates over skill. - Section 3 of the Act specifically addresses the term "gaming" by highlighting that it includes not only gambling in the traditional sense but also any game or play that involves betting or wagering. The law aims to prevent the operation of common gaming houses and to curb the proliferation of gambling activities that can lead to social and economic issues. - Relevant Case: State of Bombay v. R.M.D. Chamarbaugwala, where the Supreme Court dealt with the definition of "gaming" under this Act and affirmed the state's authority to regulate gambling activities to maintain public order and morality. - Cognizability and Competent Courts under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 - The offences under the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (PCPNDT Act) are cognizable. This means that the police have the authority to arrest without a warrant and start an investigation without the prior approval of a magistrate. - Section 27 of the PCPNDT Act explicitly states that offences under this Act shall be cognizable, non-bailable, and non-compoundable. - Competent Courts: As per Section 28 of the Act, only a Metropolitan Magistrate or a Judicial Magistrate of the First Class is competent to try offences under this Act. Furthermore, no court shall take cognizance of an offence under this Act except on a complaint made by the Appropriate Authority concerned or any officer authorized in this behalf by the Central or State Government. - Relevant Case: Voluntary Health Association of Punjab v. Union of India, where the Supreme Court issued directives for the effective implementation of the PCPNDT Act, emphasizing the need for stringent enforcement and the role of courts in trying such offences.

Q10. Answer any two of the following. - How is the term 'brothel' defined in The Immoral Traffic (Prevention) Act, 1956 ? - Who can constitute Juvenile Justice Board? What are the powers of such Board? - State at least three reliefs that the Magistrate can grant by way of residence orders under the Protection of Women from Domestic Violence Act, 2005. - What are reserved forests? List some acts which are prohibited in such forests, commission of which are punishable under the Indian Forest Act, 1927.

Paper II

Q1. Write short notes on any two of the following : - Power of the Magistrate to grant bail under Section 437 of the Code of Criminal Procedure. - Plea Bargaining, - Difference between summons triable and warrant triable cases. - Power of the Magistrate under Section 125(3) of the Code of Criminal Procedure to sentence & person who fails to comply with the order for payment of "maintenance under Section 125(i) of the Code of Criminal Procedure.

Q2. (A) Explain the difference between compoundable and non-compoundable offences. OR Explain the difference between cognizable and non-cognizable offences OR Explain the difference between acquittal and discharge. (B) Which are the categories of the persons who can apply for maintenance under Section 125 of the Code of Criminal Procedure ? OR Can an illegitimate minor child seek maintenance from his father? Can a child who has attained majority seek maintenance from his father? If yes, under what circumstances. Explain in brief.

Q3. Write short notes on any two of the following : - What is grievous hurt? - Right of private defence. - Difference between the offence of kidnapping and abduction, - Offence of subjecting a woman to cruelty by her husband or relatives of husband punishable under Section 498A of IPC.

Q4. (A) Paresh m Anil that he will keep Anil's child in wrongful confinement unless Anil will sign and deliver to Paresh a promissory note binding Anii to pay certain monies to Paresh. Anil signs and delivers the note. Which offence has Paresh committed? Explain briefly. OR Rajesh cuts down a tree on Govind's ground with the intention of dishonestly 5 taking the tree out of Govind's possession without his consent. Which offence - 7 has Rajesh committed? Explain briefly. (B) Explain in brief difference between the criminal breach of trust and cheating. OR 'A' finds a gold ring, not knowing to whom it belongs. 'A' sells it immediately without attempting to discover the owner. Which offence. if any, 'A' has committed ? Explain briefly.

Q5. Write short notes on any two of the following : - What is an admission as per the Indian Evidence Act - Hearsay evidence. - Difference between primary and secondary evidence. - Expert's opinion - how far relevant,

Q6. (A) Write short note on : - 'Facts which need not be proved. OR Facts of which court must take judicial notice. (B) Explain what is "Burden of proof" OR Explain what is "Estoppel